

THE PROHIBITORY LIQUOR LAW.

Arguments in the Poughkeepsie Lager Beer Case—Sentiments of the Judges Adverse to the Law.

**SUPREME COURT—GENERAL TERM—SECOND DISTRICT.**  
Before Judges Strong, Bruns and Rockwell.  
The case of the people against Philip Barwick, where a conviction had been recently obtained in Poughkeepsie, came up yesterday before the Supreme Court, general term, held in Brooklyn, before Judges Strong, Bruns and Rockwell, on a writ of certiorari. There was a large attendance of spectators, and much interest was manifested in the proceedings. The prosecution was represented by Messrs. Campbell and Thompson, and the defense by Messrs. Nelson and Barnard. Mr. Whiting was present watching the proceedings.

Mr. BARNARD, counsel for prisoner, moved his discharge from custody, for the reason that the law under which he had been convicted was null and void, as being unconstitutional; and also because the proceedings under which he had been convicted were informal and illegal.

CAMPBELL, for the people, resisted the application. He contended that the warrant under which the prisoner had been arrested was in proper legal form, and even if it were not, that under a writ of certiorari the Court had no right to review the irregularity of the primary proceedings. He referred to 1st Barbour 340, where the same question was fully gone into, and where Judge Macnab delivered the opinion of the court, that under a habeas corpus—which could be considered as of equal effect in the regard with a certiorari—they had no such right. If the warrant is regular on its face, it is good, and the Court has no right to inquire into its validity.

Judge Strong—In this case, the only allegation was that some of the provisions of the statute were unconstitutional, or that there were irregularities in the proceedings. He said he would go further, to the very foundation of the case. They contend here that there is no jurisdiction at all. In addition to that case, they said that the law was unconstitutional and void.

Judge Strong—Judge Macnab did not go that length. Counsel—He says so about the unconstitutionality of the law. But he says that the Court has no right to say that there is a constitutional authority to arrest the person, the court will not look at the regularity of the proceedings.

Judge Strong—But the question comes up whether if the court is satisfied that the whole statute confers no authority on the State to arrest a person, and if the court is satisfied that the law is void, the court must hold that the party is not held under complete and legal authority, and therefore discharge him.

Counsel—There is another case in 18 Johns. 303, where a case was made, and the person arrested—the writ being regular. In that case the court said it was not necessary to go into the question of the constitutionality of the law, but that the law was valid, and the person arrested was held.

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in some cases, and if this is one, then the prisoner is not deprived of his right and the Constitution is not violated; then he has a perfect right to say that he will be tried in no other way than on presentation by a grand jury, and that the law is void. The Court then said that the law was not void, and the person arrested was held.

Mr. Thompson then addressed the Court on behalf of the people. He reviewed the preliminary proceedings in the case, and contended that the law was unconstitutional and void.

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matter of defense, not of complaint. The fifth exception was that the law was not void, and the person arrested was held.

Mr. Nelson replied for the prisoner. He passed over the point as to the irregularity of the warrant, and contended that the law was not void, and the person arrested was held.

Counsel explained that he discussed this point to show that the law was not void, and the person arrested was held.

Judge Strong thought it was stretching the matter too far, and that the law was not void, and the person arrested was held.

Counsel placed upon the Court the question of the constitutionality of the law, and contended that the law was unconstitutional and void.

The argument here closed; and the Court reserved its decision.

**The Last Session in the Lager Law—Decision in the Case of Smith & Dowd.**  
COURT OF SPECIAL SESSIONS.  
JAMES O. SMITH & JAMES DOWD, DEFENDANTS.

At an early hour yesterday morning the Court room of the Special Sessions was crowded to excess by an audience interested in hearing the decision of Recorder Smith in the liquor trials of David & Smith. The Recorder was represented by some of its most able advocates, and the liquor side was represented by dealers in the article, and consumers of it.

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question relating to the sale of imported liquor, which was referred to the law prohibiting the sale of liquor, and the Court decided in favor of the law.

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**Our Washington Correspondence.**  
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**Ship News.**  
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